12

S.B. CIVIL MISC. APPEAL NO.555/2007.
Leela Devi Vs. Abdul Rajjak & Ors.

Date of Order :: 13th February 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Ajay Vyas for
Mr. B.K. Vyas, for the appellant.

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For awarding compensation to the mother of the vehicular accident victim Kumari Rinki, about 14 years in age, the Tribunal has taken her notional income at Rs.1,100/- per month and without deducting anything therefrom and with application of multiplier of 15 has assessed pecuniary loss at Rs.1,98,000/-. The Tribunal has further allowed Rs.20,000/- towards non-pecuniary loss and Rs.5,000/- towards funeral expenses; and in this manner has allowed total compensation in the sum of Rs.2,23,000/- and has also allowed interest @ 7.5% per annum from the date of filing of the claim application. In this appeal, the claimant seeks enhancement over the amount of compensation so awarded by the Tribunal.

Having heard learned counsel for the appellant and having perused the impugned award, this Court is satisfied that the award so made by the Tribunal cannot be said to be low or insufficient from any stand point. In the context of the age of the deceased at 14 years and that of her mother, the only

claimant at 32 years, , the assessment of pecuniary loss at Rs.1,98,000/- could only be said to be standing a bit on the higher side. Non-pecuniary loss has also bee allowed at Rs.20,000/-.

The ultimate award made by the Tribunal cannot be said to falling short of just compensation admissible in this case and there appears no scope for enhancement.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

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